



**SAN XAVIER DISTRICT
OF THE
TOHONO O'ODHAM NATION**

2018 WEST SAN XAVIER ROAD • TUCSON, ARIZONA 85746

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RESOLUTION OF THE SAN XAVIER DISTRICT COUNCIL
(Supporting H.R. 2579 Hardrock Leasing and Reclamation Act of 2019)

RES. NO. SXDC 11-19-08

The SAN XAVIER DISTRICT COUNCIL, meeting in regular session, after due consideration, adopts the following resolution:

WHEREAS, the 1872 Mine Act was established to promote the westward expansion of homesteading in the United States, without any requirements to protect our lands, aquifers, and rivers from pollution produced by mining companies and,

WHEREAS, the 1872 Mine Act is antiquated and needs to be updated to be in line with legal and environmental regulations currently applied to the oil, gas, and coal industries, benefiting the American public; and,

WHEREAS, H.R. 2579 would place the following measures on the hardrock mining industry:

1. End the outdated claim-staking and patenting system that gives miners unfettered access to nearly all public land in the United States.
2. Establish a 12.5% royalty on new mining operation, which is the same percentage used for oil and gas extraction, and an 8% royalty on existing operations, except for miners with less than \$50,000 in mining income.
3. Require meaningful tribal consultation.
4. Eliminate the exalted status that mining currently enjoys on public lands, leveling the playing field with all other users of public lands - such as grazing, hunting, and energy development – allowing it to be managed through existing land-use planning processes.
5. Make certain special lands are off-limits to hardrock mining.
6. Require mining operators to report data on the amount and value of minerals being extracted from public lands.
7. Establish strong reclamation standards and bonding requirements.
8. Create a fund to reclaim and restore abandoned mines and areas impacted by mining activities.

WHEREAS, the San Xavier District has been adversely affected by mines since the passage of the 1872 Mine Act and it wants to protect its natural environment and waters; and,



WHEREAS, the San Xavier District has seen firsthand the environmental destruction and adverse effects to the welfare of its people and lands, caused by the ASARCO copper mine, and mining companies' resistance or refusal to provide adequate funds to reclaim and restore the lands that have been disrupted or destroyed through mining; and,

WHEREAS, the San Xavier District believes the United States has a moral duty to fully recognize the United Nations Declaration of the Rights of Indigenous Peoples without qualifications or reservations, and adopt the principles, and particularly the following provisions, within it as domestic law,

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.



3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and
2. equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

WHEREAS, the San Xavier District believes that members of the United States Congress, and members of all State legislatures, and all leaders, or former leaders, of any Nation, who claim to support the rights of indigenous people, have a moral obligation to come together to provide unqualified support for all provisions within the United Nations Declaration on the Rights of Indigenous Peoples, and to *demand* that the United States Congress incorporate those provisions into all pending and future federal legislation to the greatest extent possible; and,

WHEREAS, Congressman Raul Grijalva's bill H.R. 2579 Title II Sec 201 requires only *consultation* with Indian Tribes, and not the free and informed consent of those Indian Tribes, prior to undertaking any mineral activities that may have substantial direct impacts on the lands or interests of one or more Indian Tribes; and,

WHEREAS, Bill H.R. 2579 nonetheless represents a positive change to the United States' mining laws as they exist now; and,

WHEREAS, it is therefore in the best interest of the O'odham to support H.R. 2579 for the benefit of its constituents.



NOW THEREFORE BE IT RESOLVED, that the San Xavier District Council *demand*s that the United States Congress give unqualified support to the United Nations Declaration on the Rights of Indigenous Peoples, incorporate all of its provisions, to the greatest extent possible, into all pending and future legislation, and obtain free and informed consent from indigenous peoples, prior to undertaking any mineral activities that may have substantial direct impacts on the lands or interests of those indigenous peoples.


NOW THEREFORE BE IT FURTHER RESOLVED, that the San Xavier District Council hereby supports Congressman Raul Grijalva's H.R. 2579 Hardrock Mining Leasing and Reclamation Act of 2019 for the benefit of the O'odham, all peoples, and all lands.

BE IT FINALLY RESOLVED, that the San Xavier District Council hereby requests the Tohono O'odham Legislative Council to support the foregoing resolution, and to enact a similar support resolution for the benefit of future generations.

CERTIFICATION

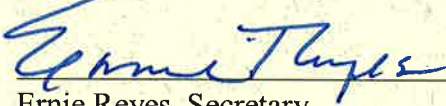
I hereby certify that the foregoing Resolution was duly enacted by the Official Board of the San Xavier District Council held on the 19th day of **November, 2019**, at a meeting at which a quorum was present with a vote of 5 FOR; 0 AGAINST; 0 NOT VOTING; and 0 ABSENT, pursuant to the powers vested in the San Xavier District Council by Section 5 of Article IX of the Constitution of Tohono O'odham Nation as adopted and approved on 6 March 1986.

SAN XAVIER DISTRICT COUNCIL



Austin G. Nunez, Chairman

ATTEST:



Ernie Reyes, Secretary
San Xavier District Council

MOTION: Tony Burrell
SECOND: Philbert Bailey